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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,149	12/05/2001	John R. Schneider	16465AI	1918
7599	01/23/2004			
PPG INDUSTRIES, INC. Intellectual Property Department One PPG Place Pittsburgh, PA 15272			EXAMINER RAJGURU, UMAKANT K	
			ART UNIT 1711	PAPER NUMBER

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.	10/007,149	Applicant(s)	SCHNEIDER ET AL.
Examiner	Umakant K. Rajguru	Art Unit	1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply****A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 15 August 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 34-41 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-33 and 42-50 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.      6) Other: \_\_\_\_\_

1. An IDS and a response have been filed respond on January 13, 2003 & August 15, 2003
2. Rejection of claim 12(item 4 of prior office action of May 15,2003) and objection to claim 50 (item 5 of same office action) are withdrawn
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7, 9, 13 and 15-27 are rejected under 35 U.S.C 102(b) as being anticipated by stubbs et al (USP 5595578).

Claims 1-7, 9,13, 15-27 and 30-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Samuelson (USP 4048765)

Claims 1-7, 9-27, 29 and 42-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stubbs et al (USP 4048765).

Claims 1-7, 9-33 and 42-50 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Samuelson (USP 4048765)

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over stubbs et al ((USP 5595578) or Samuelson (USP 4048765) as applied to claim 1 above, and further in view of Diener et al (USP 5614250).

Please refer to the same office action for these rejections

4. Applicant's arguments filed August 15,2003 have been fully considered but they are not persuasive..

Examiner disagrees with the applications who assert that the coated abrasives of Stubbs are "decidedly different from instant coatings". According to the examiner,

Stubbs is different from instant coatings in having a substrate as an additional element. As far as the coatings of Stubbs are considered they are not patentably distinguishable from instant ones. Examiner sees no patentably distinguishable difference between an abrasive material (of stubbs) and a coating that exhibits abrasion resistance. Examiner also disagrees with the applicants in their non-supportive conclusion that particles in stubbs are not dispersed through the resin. Additionally instant claims do not encompass any limitation as to how or in what manner are the particles dispersed in the resin

Applicants' arguments about Samuelson are not found to be persuasive for similar reasons.

It is true, as the applicants state, that Stubbs is directed to a sand paper and Samuelson to a polishing wheel. However the coating that these patentees disclose read on the instant ones.

Applicant remaining argument about claims 10-12, 8 and 42-50 are not persuasive to obviate their cited rejection.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to U. K. Rajguru whose telephone number is 703-308-3224. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 703-308-2462. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
U.K. Rajguru/af  
January 2, 2004

  
RABON SERGENT  
PRIMARY EXAMINER